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**FAX TRANSMISSION****DATE:** November 1, 2004**PTO IDENTIFIER:** Application Number 09/852070-Conf. #3533  
Patent Number**Inventor:** Daniel K. HILTGEN et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** LAHIVE & COCKFIELD, LLP

Kevin J. Canning

**PHONE:** (617) 227-7400**Attorney Dkt. #:** SMQ-122**PAGES (Including Cover Sheet):** Twenty-four (24)**CONTENTS:**

Transmittal (1 page);  
Fee Transmittal (1 page, in duplicate);  
Amendment in Response to Non-Final Office Action (15 pages);  
Two (2) Terminal Disclaimers to Obviate a Provisional Double Patent Rejections  
Over a Pending "Reference" Application for U.S. Patent Application Serial Nos. 09/852,113  
and 09/851,923 (2 pages);  
Statement Under 37 CFR 3.73(b) (1 page);  
One-Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page), and  
Certificate of Transmission under 37 CFR 1.8 (1 page)

**The Commissioner is authorized to charge \$330.00 to Deposit Account 12-0080.**

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PTO/SB/21 (09-04)

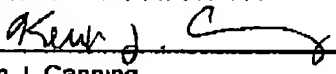
Approved for use through 07/31/2008 OMB 0851-0031

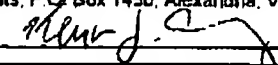
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/852070-Conf. #3533
	Filing Date	May 9, 2001
	First Named Inventor	Daniel K. HILTGEN
	Art Unit	2122/P6281
	Examiner Name	M. J. Yigdall
Total Number of Pages in This Submission	Attorney Docket Number	SMQ-122

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fees Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Two (2) Terminal Disclaimers <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Statement Under 37 CFR 3.73(b) and Certificate of Transmission under 37 CFR 1.8.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Kevin J. Canning		
Date	November 1, 2004	Reg No	35,470

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9308 at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated, November 1, 2004	Signature:  (Kevin J. Canning)

PTO/SB/17 (10-04v2)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004 Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 330.00

## Complete if Known

Application Number	09/852070-Conf #3533
Filing Date	May 9, 2001
First Named Inventor	Daniel K. HILTGEN
Examiner Name	M. J. Yigdall
Art Unit	2122
Attorney Docket No	SMQ-122/P6281

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

12-0080

Deposit Account Name

Lahive &amp; Cockfield, LLP

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☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entry		Small Entry		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for a <i>substantive</i> examination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1480	130	2480	130	Petitions to the Commissioner	
1807	50	2807	50	Processing fee under 37 CFR 1.17(g)	
1808	180	2808	180	Submission of Information Disclosure Sheet	
8021	40	2801	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	800	2802	800	Request for expedited examination of a design application	
Other fee (specify)	1814			Statutory Disclaimer	220.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 330.00

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entry		Small Entry		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text"/>	= <input type="text"/>
Multiple Dependent				= <input type="text"/>

Large Entry		Small Entry		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater. For Reissues, see above

## SUBMITTED BY

Name (Print/Type) Kevin J. Canning

Registration No. (Attorney/Agent)

35.470

## (Complete if applicable)

Telephone (617) 227-7400

Signature

[Signature]

Date

November 1, 2004

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Dated, November 1, 2004

Signature

[Signature]

(Kevin J. Canning)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None				<b>3. ADDITIONAL FEES</b>  <table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entry Fee Code (\$)</th> <th>Small Entry Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051 130</td><td>2051 85</td><td>Surcharge - late filing fee or o/sin</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIF prior to Examiner action</td><td></td></tr> <tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIF after Examiner action</td><td></td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td>110.00</td></tr> <tr><td>1252 430</td><td>2252 215</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253 980</td><td>2253 480</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254 1,530</td><td>2254 765</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255 2,080</td><td>2255 1,040</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401 340</td><td>2401 170</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402 340</td><td>2402 170</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 300</td><td>2403 150</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,370</td><td>2453 685</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,370</td><td>2501 685</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 490</td><td>2502 245</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 660</td><td>2503 330</td><td>Plant issue fee</td><td></td></tr> <tr><td>1450 130</td><td>1450 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(g)</td><td></td></tr> <tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Sum</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1808 790</td><td>2809 395</td><td>Filing a submission after final rejection (37 CFR 1.128(a))</td><td></td></tr> <tr><td>1810 790</td><td>2810 395</td><td>For each additional invention to be examined (37CFR 1.129(b))</td><td></td></tr> <tr><td>1801 790</td><td>2801 395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="3">Other fee (specify)</td><td>1814 Statutory Disclaimer</td><td>220.00</td></tr> <tr> <td colspan="3"></td> <td>*Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$)</td> <td>330.00</td> </tr> </tbody> </table>		Large Entry Fee Code (\$)	Small Entry Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 85	Surcharge - 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<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b> <table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from Below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td>-20** =</td> <td>A</td> <td></td> </tr> <tr> <td>Multiple Dependent</td> <td>-3** =</td> <td>A</td> <td></td> </tr> </tbody> </table> <table border="1" style="width:100%; border-collapse: collapse; font-size: x-small;"> <thead> <tr> <th>Large Entry Fee Code (\$)</th> <th>Small Entry Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202 18</td><td>2202 9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201 88</td><td>2201 44</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203 300</td><td>2203 150</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204 88</td><td>2204 44</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205 18</td><td>2205 9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr> <td colspan="3">SUBTOTAL (2) (\$)</td> <td>0.00</td> </tr> </tbody> </table>				Total Claims	Extra Claims	Fee from Below	Fee Paid	Independent Claims	-20** =	A		Multiple Dependent	-3** =	A		Large Entry Fee Code (\$)	Small Entry Fee Code (\$)	Fee Description	Fee Paid	1202 18	2202 9	Claims in excess of 20		1201 88	2201 44	Independent claims in excess of 3		1203 300	2203 150	Multiple dependent claim, if not paid		1204 88	2204 44	** Reissue independent claims over original patent		1205 18	2205 9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$)			0.00																																																																																									
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SUBMITTED BY				(Complete if applicable)																																																																																																																																
Name (Print/Type): Kevin J. Canning		Registration No (Attorney/Agent): 35,470		Telephone: (617) 227-7400																																																																																																																																
Signature:				Date: November 1, 2004																																																																																																																																

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Rejections Over a Pending "Reference" Application for U.S. Patent  
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